

IN THE DRAWINGS

The attached Replacement Sheets of drawings include changes to Figs. 1-3. These Replacement Sheets replace the original sheets including Fig. 1-3.

Attachment:

Replacement Sheet

REMARKS

Claims 1-9 were previously pending in the present application. As noted above, claims 1, 3 and 4 have been amended, claim 9 has been canceled, and claims 10-17 have been added. Support for these amendments may be found throughout the Specification and original claims. Thus, claims 1-8 and 10-17 are now pending.

Applicants respectfully request reconsideration of this application based on the following remarks.

Drawings Objections

The drawings are objected to because of informalities. Applicants have amended the drawings and the Specification to obviate these objections. No new matter has been added. Therefore, based on the foregoing, Applicants respectfully request that the Examiner withdraw the objection to drawings.

Objections to the Specification

The Specification, including the Abstract, is objected to because of informalities. Applicants have amended the Specification, including the Abstract, to obviate the objections. Accordingly, Applicants respectfully request withdrawal of the objection to the Specification.

Claim Rejections – 35 USC § 102

Claims 1-3, 5-7 and 9 are rejected under 35 USC § 102(b) as being anticipated by Cronin et al. (US Patent Publication No. 2002/0137502 A1). Applicants respectfully traverse this rejection.

For a prior art reference to anticipate, 35 U.S.C. §102 requires that “each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”¹ “To establish inherency, the extrinsic evidence ‘must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that

¹ *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999)(quoting *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)).

it would be so recognized by persons of ordinary skill.”² “Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.”³ “In addition, the reference must be enabling and describe the applicant's claimed invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention.”⁴

Cronin fails to disclose or suggest the features recited by the claims.

For example, independent claim 1 recites a device including at least the following combination of features: a storage device for storing a plurality of data resources, a file system for organising the plurality of data resources stored in the storage device and a user interface for providing user access to the plurality of data resources, wherein the file system comprises one or more locations comprising directly addressable data resources and one or more locations comprising indirectly addressable data resources, the indirectly addressable data resources being accessible through a data provider, the file system being configured, in use, to provide a single interface from the user interface to both directly addressable data resources and indirectly addressable data resources. Independent claim 5 includes similar subject matter.

With regard to independent claims 1 and 5, the Office Action, on pages 4-5, asserts that Cronin discloses wherein “the file system comprises one or more locations comprising directly addressable data resources...and one or more locations comprising indirectly addressable data resources...the indirectly addressable data resources being accessible through a data provider” and “the file system being configured, in use, to provide a single interface from the user interface to both directly addressable data resources and indirectly addressable data resources,” citing to Cronin in Fig. 3 and paragraph [0046]. However, Applicants respectfully disagree.

Cronin discloses, in paragraphs [0045] and [0046] and Fig. 3, that resources for the mobile phone may be defined during “manufacturing” of the mobile phone. Cronin illustrates these resources in Fig. 3, *e.g.*, Fixed Resource1, Downloadable Mandatory Resource 1, Downloadable Optional Resource 1 and Downloadable Optional Resource 1. Cronin, further

² *Id.* (quoting *Continental Can Co. v. Monsanto Co.*, 948 F.2d 1264, 1268, 20 USPQ2d 1746, 1749 (Fed. Cir. 1991)).

³ *Mehl/Biophile Int'l Corp. v. Milgraum*, 192 F.3d 1362, 1365, 52 USPQ2d 1303, 1305 (Fed. Cir. 1999), reh'g denied, 1999 U.S. App. LEXIS 31386 (Fed. Cir. Oct. 27, 1999) (quoting *In re Oelrich*, 666 F.2d 578, 581, 212 USPQ 323, 326 (CCPA 1981)).

⁴ *In re Paulsen*, 30 F.3d 1475, 1479, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

discloses, in paragraph [0046], that menus “of the mobile phone 1 are defined by the run-time software and the downloaded data linking fixed resources, mandatory resources and optional resources.”

The Applicants respectfully submit that the “Downloadable Mandatory Resource 1”, “Downloadable Optional Resource 1” and “Downloadable Optional Resource M” as illustrated in Fig. 3 of Cronin fail to disclose or suggest “one or more locations comprising indirectly addressable data resources,” as recited in independent claims 1 and 5. Moreover, while Cronin discloses that the menu of the mobile phone links the “fixed resources, mandatory resources and optional resources,” there is no disclosure in Cronin to suggest that these resources are “indirectly addressable data resources,” as recited in independent claims 1 and 5.

Further, Cronin fails to disclose or suggest “the indirectly addressable data resources being accessible through a data provider,” as recited in independent claims 1 and 5. Instead, Cronin, in paragraph [0029], discloses that “digital memory 6 includes downloaded data with executable software from an external data source. The digital memory 6 may include pre-stored run-time software and the downloaded data with executable software adapted from the respective digital processor.” Thus, the data resources of Cronin are accessible through the memory and not “through a data provider,” as recited in independent claims 1 and 5.

Therefore, the subject matter of independent claims 1 and 5 is not disclosed or suggested by Cronin, and thus, independent claims 1 and 5 are patentable over Cronin.

As claims 1 and 5 are allowable, claims 2, 3, 6 and 7, which depend from independent claims 1 and 5, respectively, are also patentable over Cronin for at least the same reasons as well as for the additional features recited therein.

Claim 9 has been canceled, and therefore, the rejection of claim 9 is moot.

Therefore, based on the foregoing, Applicants respectfully request the withdrawal of the rejection of claims 1-3, 5-7 and 9 under 35 USC § 102(b) as being anticipated by Cronin.

Claim Rejections – 35 USC § 103

Claims 4, 8 and 9 are rejected under 35 USC § 103(a) as being obvious over Cronin in further view of Gibbons et al. (US Patent Publication No. 2004/0034853 A1).

Applicants respectfully traverse this rejection, as any combination of Cronin and Gibbons fails to disclose or suggest the recited subject matter. In particular, claims 4 and 8 respectively

depend from one of independent claims 1 and 5, which are believed to be patentable over Cronin as noted above. Further, Gibbons fails to address the above-noted failures of Cronin. Thus, claims 4 and 8 are also non-obvious and patentably distinguishable over the cited prior art references.⁵ Further, each of these claims separately recites subject matter not disclosed or suggested by any combination of the cited references.

Claim 9 has been canceled, and therefore, the rejection of claim 9 is moot.

Therefore, based on the foregoing, Applicants respectfully request the withdrawal of the rejection of claims 4, 8 and 9 under 35 USC § 103(a) as being obvious over Cronin in further view of Gibbons.

New Claims

Applicants have added new claims 10-17 to recite subject matter to which they are entitled. Additionally, claims 10-17 are allowable, as there is no combination of the cited references that discloses or suggests the subject matter recited by these claims.

In particular, independent claims 10 and 14 recite similar subject matter as independent claims 1 and 5, which are believed to be patentable over any combination of the cited references, as discussed above. Thus, for at least the same reasons, claims 10 and 14 are also non-obvious and patentably distinguishable over the cited art references.

As claims 10 and 14 are allowable, claims 11-13 and 15-17, which depend from independent claims 10 and 14, respectively, are also patentable over the cited references for at least the same reasons as well as for the additional features recited therein.

Therefore, Applicants respectfully request that the Examiner allow claims 10-17.

⁵ MPEP 2143.03.

CONCLUSION

In light of the remarks contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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By: _____

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